

#6  
IAP7 Rec'd PCT/PTO 09 FEB 2006

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Serial Number:	Filed:	First Inventor:	Attorney Docket:
10/501,314	07-13-2004	A. Yang	105SR-018
Title: Lamps			
Examiner: n/a		Art Unit: n/a	

Mail Stop PCT  
Comm'r for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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1 6 FEB 2006

Legal Staff  
International Division

PETITION TO REVIVE

Dear Sir:

In connection with the U.S. national phase filing of PCT/GB03/00222, a Notification of Abandonment having been mailed on 3 January 2006, Applicant hereby petitions for revival of the application under §1.137(b).

The subject application became abandoned for failure to the respond to the Notification of Missing Requirements regarding submission of the oath or declaration under §1.495(c)(1)(ii).

A check for the small entity fee under §1.17(m) of \$750 is attached. If the check is missing or deficient, or there has been an overpayment, please debit or credit as necessary the undersigned's Deposit Acct. No. 502144.

The reply, in the form of a declaration by the inventor, is submitted as Exhibit 4 attached to Mr. Whitaker's declaration. As explained therein, formal papers (such as the assignment previously recorded in the USPTO and attached as Ex. 1 to the declaration) including the power of attorney were prepared well in advance of the U.S. national stage, but the form had been mislaid and was

02/14/2006 ATRAM 00000116 10501314

01 FC:2453

750.00 DP

Page 1 of 2

105SR-018

uncovered only after extensive searching. Meanwhile, Mr. Whitaker had made various attempts to contact the inventors and have a declaration executed, but to no avail. including sending registered mail (via Royal Mail) near the end of the extension period for responding to the Missing Requirements notice. Accordingly, the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

The power of attorney on the declaration attached as Ex. 4 to Mr. Whitaker's declaration is to a different firm. A revocation and new power of attorney (PTO/SB/82) will be filed forthwith.

A terminal disclaimer is not required.

Respectfully submitted,

**CERTIFICATE OF MAILING**  
Under 37 C.F.R. §1.10

I hereby certify that this paper and those identified above, including any attached thereto, was deposited with the U.S. Postal Service as "Express Mail Post Office to Addressee" with the label number identified below and on the date identified below, and was addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: 9 February 2006

Express Mail Label No. EV 698820468 US

Name: Bradley N. Ruben

  
Signature

  
Bradley N. Ruben, Reg. No. 32,058

Bradley N. Ruben, PC  
463 First St., Suite 5A  
Hoboken, NJ 07030-1859

201-239-0707 (fax -0734)

mail@rubenpatent.com

February 9, 2006

IN THE MATTER OF U.S. Patent  
Application No. 10/501,314 in the  
name of An Xue YANG and  
assigned to Aurora Limited

---

WITNESS STATEMENT OF IAIN MARK WHITAKER

---

1. I, Iain Mark WHITAKER, of Marks & Clerk, 45 Grosvenor Road, St Albans, Hertfordshire, AL1 3AW, United Kingdom, am a Chartered Patent Agent and European Patent Attorney and act on behalf of Aurora Limited, of 16 Alban Park, Hatfield Road, St Albans, Hertfordshire, AL4 0JJ, United Kingdom, the proprietor of U.S. Patent Application No: 10/501,314.

2. Aurora Limited is the Assignee of the inventor, An Xue YANG of Guang Dong Sun Young Electrical Lighting Co. Ltd., 623 West Road Jiufu, Jiufu, Baiyou Zone, Guang Zhou City, China. The corresponding Assignment has been recorded against this Application and a copy of the Assignment recordal document is attached as Exhibit 1.

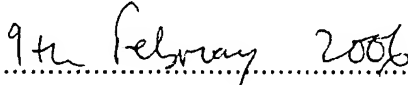
3. In response to the requirement to file a Declaration & Power of Attorney form in favour of the present Attorney executed by the inventor on this U.S. Patent Application, we and the Applicant have attempted repeatedly to have the Declaration & Power of Attorney form signed by the inventor. The specification with the Declaration & Power of Attorney form attached has been sent by us to the inventor on more than two occasions after the Applicant had originally provided the specification and form to the inventors and we have spoken to Ms Tina Huang, Assistant to the Manager of Guang Dong Sun Young Electrical Lighting Co. Ltd. on several occasions to seek to have the document signed. On more than one occasion we have been assured that the document would be signed and returned, but this has not happened. Copies of my chase-up letters and telephone attendance notes are attached as Exhibit 2. My letter of 7 October 2005 was sent by registered mail and I attach as Exhibit 3 a copy of the despatch receipt. Indeed, the inventor had originally signed a Declaration and Power of Attorney form for this Application well ahead of entry into the National phase, at the same time as signing the Assignment. That form was made out in favour of the law firm of Galgano & Burke and not Bradley N. Ruben PC and was mislaid and not to hand when the National phase was entered. That form has now been found after extensive searching and is attached as Exhibit 4. Although that form is not in favour of the present Attorney and thus is not in itself a Power of Attorney for the present Attorney, it is a valid Declaration.

4. I hereby petition that this Application be accepted and progressed without any further signing by the inventor of a Declaration & Power of Attorney form since after repeated and diligent effort on our part to have the inventor sign the form in favour of the present law firm, Bradley N. Ruben PC, he had not done so.

STATEMENT OF TRUTH

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

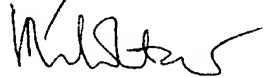
Signed  .....  
Iain Mark WHITAKER

Dated:  .....

IN THE MATTER OF U.S. Patent  
Application No: 10/501,314 in the name of  
An Xue YANG and assigned to Aurora  
Limited

EXHIBIT 1

Attached hereto is Exhibit 1 referred to in paragraph 2 of the Witness Statement of Iain  
Mark Whitaker made on 9<sup>th</sup> February 2006.

A handwritten signature in black ink, appearing to read 'Iain Mark Whitaker', written in a cursive style.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

JULY 14, 2005

PTAS



\*102943988A\*

BRADLEY N. RUBEN  
463 FIRST ST.  
SUITE 5A  
HOBOKEN, NJ 07030-1859

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 02/14/2005

REEL/FRAME: 016262/0403  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

YANG, AN XUE

DOC DATE: 11/26/2001

ASSIGNEE:

AURORA LIMITED  
ALBAN PARK, HATFIELD ROAD  
UNIT B1, THE COURTYARD  
ST. ALBANS, HERTS, UNITED KINGDOM

AL4 0LA

SERIAL NUMBER: 10501314  
PATENT NUMBER:  
TITLE: LAMPS

FILING DATE:  
ISSUE DATE:

01 52/0403 PAGE 2

PAULA MCCRAY, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

IN THE MATTER OF U.S. Patent  
Application No: 10/501,314 in the name of  
An Xue YANG and assigned to Aurora  
Limited

EXHIBIT 2

Attached hereto is Exhibit 2 referred to in paragraph 3 of the Witness Statement of Iain  
Mark Whitaker made on 9th February 2006.





MODE = MEMORY TRANSMISSION

START=26-SEP 09:27

END=26-SEP 09:29

FILE NO.=540

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\*\*\*\*\* -MARKS AND CLERK - \*\*\*\*\* 01727 868868- \*\*\*\*\*

## MARKS & CLERK

*Patent and Trade Mark Attorneys*

*incorporating Sommerville & Rushton*

Ms Tina Huang  
Guangdong Sun Young Electrical & Lighting Co. Ltd.  
623 West Road Jiufu  
Jiufu Town, Baiyun District  
Guangzhou City  
Guangdong Province  
China

European Patent Attorneys  
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Direct F: +44 (0)1727 898172  
0845 1663 148 (Lo-call)

BY FAX (00 86 20 87490201)

URGENT

23 September 2005

Our ref: PA 4698/4699 PCT/US

Dear Ms Huang

**U.S. National phase Patent Application No: 10/501,314**

**Lamps**

**Corresponding to International Patent Application**

**Nos: PCT/GB03/00222**

**In the name of Aurora Limited**

Further to my telephone call, we act as Patent Attorneys for Aurora Limited and have filed a U.S. Patent Application on their behalf in respect of which An Xue YANG was identified as designer. The rights have already been assigned to Aurora Limited and we now need the designer to simply sign a respective Power form in favour of the U.S. Attorneys as a formal requirement. A copy of the Assignment from the designer to Aurora Limited is attached by way of confirmation of the earlier assignment.

Please could you have An Xue Yang sign and date his Power of Attorney form and fax it back to me within the next 2-3 days.

Yours faithfully  
MARKS & CLERK

  
Iain M. Whitaker  
jw/Enc

Liha Huang

Tel. (86020) 87 49 56 73 direct dial

Wray her again 6 October 2005

She is trying to get hold of Mr Yang  
he travels on business - She says to place  
her again tomorrow (7 October)

Contact Person: Mr.H.D.Wang

[Leave me a message](#)



Address: 623 West Road Jiufo, Jiufo Town, Baiyun District,  
Guangzhou City, Guangdong Province. China

Zip: 510555

Telephone: 86-20-87490200

Mobile Phone: 86-13802764000

Fax: 86-20-87490201

Website: <http://www.gz-sunyoung.com>

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T.A.N

Wang Tiba Wang 5 October 2005

She says she referred our form to Mr Yang  
when she received it but did not know why  
we had not yet received it back signed.

She will follow it up with Mr Yang but he is  
currently out of the office. We agreed to follow up  
with her on 6 October 2005.

Ms Tina Huang  
Guangdong Sun Young Electrical & Lighting Co. Ltd.  
623 West Road Jiufu  
Jiufu Town, Baiyun District  
Guangzhou City  
Guangdong Province  
China

Direct ☐: whitaker@marks-clerk.com  
Direct ☎: +44 (0)1727 898172  
0845 1668 148 (Lo-call)

**BY INTERNATIONAL SIGNED FOR**

7 October 2005

Our ref: PA 4698/4699 PCT/US

Dear Ms Huang

**U.S. National phase Patent Application No: 10/501,314**  
**Lamps**  
**Corresponding to International Patent Application**  
**Nos: PCT/GB03/00222**  
**In the name of Aurora Limited**

Further to my telephone calls and letters, we act as Patent Attorneys for Aurora Limited and have filed a U.S. Patent Application on their behalf in respect of which An Xue YANG was identified as designer. The rights have already been assigned to Aurora Limited and we now need the designer to simply sign a respective Power form in favour of the U.S. Attorneys as a formal requirement. A copy of the specification of this U.S. Patent Application is also attached.

Please could you have An Xue Yang sign and date his Power of Attorney form and fax it back to me within the next 2-3 days.

Yours faithfully  
MARKS & CLERK

Iain M. Whitaker  
jw /Enc

IN THE MATTER OF U.S. Patent  
Application No: 10/501,314 in the name of  
An Xue YANG and assigned to Aurora  
Limited

EXHIBIT 3

Attached hereto is Exhibit 3 referred to in paragraph 3 of the Witness Statement of Iain  
Mark Whitaker made on 9th February 2006.

A handwritten signature in black ink, appearing to read 'Iain Mark Whitaker', with a long horizontal stroke extending to the right.



**Your company name and address**

**Royal Mail copy**

Your company name and address  
 MARKS & CO. LTD.  
 65 GROSVENOR ROAD, ST ALBANS  
 HERTS AL1 3AW  
 Postcode

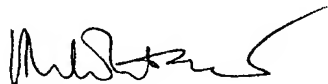
[illegible]

**BEST AVAILABLE COPY**

IN THE MATTER OF U.S. Patent  
Application No: 10/501,314 in the name of  
An Xue YANG and assigned to Aurora  
Limited

EXHIBIT 4

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Mark Whitaker made on 9th February 2006.

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